



## City of Calhoun, Georgia

*Site of New Echota in the Land of the Cherokee*

OFFICE OF THE MAYOR  
James F. Palmer

July 29, 1999

**DOCKET FILE COPY ORIGINAL**

Magalie Roman Salas, FCC Secretary  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 Twelfth Street SW  
Washington, DC 20554

RE: WT Docket 99-87, Revised Competitive Bidding Authority

Dear Ms. Salas:

As Mayor of the City of Calhoun, I wish to comment on the need for public water systems to have proper bandwidth for SCADA equipment and for prompt communication of personnel delivering these services. The City of Calhoun is fortunate to have a water system, which serves over 14,000 water customers, to the entire population of Gordon County, which exceeds 32,000 people. The area served is over 400 square miles and requires prompt communication in order to properly deliver these services. I wish to have my comments, which are attached, to become a part of your records regarding these vital services. Should you need to contact me regarding my comments, I will be available at (706) 602-5505, or you may reach me by mail at Post Office Box 248, Calhoun, Georgia 30703-0248. Thank you.

Sincerely,

James F. Palmer,  
Mayor

JFP:jc

cc: Honorable Max Cleland, Senator

Honorable Paul Coverdell, Senator

Honorable Nathan Deal, Representative

P.O. Box 248, Calhoun, Georgia 30703-0248 ♦ Tel: (706) 629-0151 ♦ Fax: (706) 625-0439

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Before the:  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington D.C. 20554**

In the Matter of:	)	
	)	
<b>Revised Competitive Bidding Authority</b>	)	
	)	
	)	WT
Docket 99-87	)	
	)	

To: The Commission

COMMENT

City of Calhoun Water System  
James F. Palmer, Mayor  
Post Office Box 248  
Calhoun, Georgia 30703-0248

Dated: 07/29/1999

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**EXECUTIVE SUMMARY:**

Federal and State regulations require close and continuous monitoring of operating parameters for our water treatment and distribution system. Future regulations will increase the requirement for speed and therefore our requirement for more bandwidth for the use of SCADA equipment. It is imperative for the safety and wellbeing of the public that sufficient spectrum be available for the future needs of our industry.

In the Telecommunications Act of 1996 the Congress charged the Federal Communication Commission (FCC) with the requirement that radio frequency spectrum for communication, both voice and data, be assigned as a result of auctions. In this Act particular frequency spectrums were set aside for use by "public safety" organizations. In the Act, "public safety" was identified as police and fire protection services.

The Balanced Budget Act of 1997 directed the FCC to provide spectrum set-aside for a more broadly described "public safety services" including critical national infrastructure entities outside the auction process.

The City of Calhoun Water System supports the rulemaking petition submitted by the UTC, American Petroleum Institute, and Association of American Railroads proposing to create a third radio pool, in addition to the Public Safety and Industrial/Business Radio Pools already used for private radio frequencies below 470 MHz, to be known as the Public Service Radio Pool open to entities that do not qualify for Public Safety Radio Pool spectrum, but are eligible to use the public safety radio services that the Balanced Budget Act exempted from the Commission's auction authority. The City of Calhoun Water System believes that this approach is feasible and appropriate for other frequency bands including PLMR frequencies above 470 MHz.

**INTRODUCTION:**

My utility is the City of Calhoun Water System, a municipal utility. The City of Calhoun Water System provides drinking water to 14,000 customers representing more than 32,000 people. This service area is geographically unique, encompassing 400 square miles (all of Gordon County, Georgia with some overlap into adjoining counties). The Calhoun Water System relies on the 450-451 MHz frequencies data links.

Managing the Calhoun/Gordon County water supply to protect the health and safety of 32,000 citizens, The Calhoun Water System maintains close Communication ties to the Gordon County LEPC using radio and pager links. Coordination of the water utilities with the City and County fire protection efforts is critical for safety in the area. A recent industrial fire that was responded to by all local emergency agencies required close monitoring and response by our water production facilities. Success in fire suppression could not have been attained without this coordination.

**COMMENTS:**

The Balanced Budget Act of 1997, Public Law No. 105-33, Title III, 111 Statute 251 (1997) ("Balanced Budget Act"). The Balanced Budget Act revised the Commission's auction authority for wireless telecommunications services. The Calhoun Water System believes that the timely implementation of the Balanced Budget Act provisions regarding spectrum access for critical infrastructure entities is critical to meeting a need expressly recognized by the U.S. Congress.

**Exemption from Auction**

The Balanced Budget Act of 1997 and associated report language provide clear legislative direction to the FCC to insure that public safety radio services as defined in the Act and report language are exempt from auction. In determining that there was a specific need for access to spectrum outside of the auction process, Congress implicitly recognized the need for adequate availability of spectrum to activities deemed public safety radio services. And, that that spectrum should be made available to these activities through a mechanism other than auctions.

**Definition of Public Safety Radio Service**

The definition for "public safety radio services" as stated by Congress is broader than the current "public safety radio services." The Act and associated report language specifically avoid the use of language that would limit the applicability of this section to the current definition of public safety (i.e., police, fire, rescue applications).

The Balanced Budget Act of 1997, by reference and specific language describes "public safety radio services" as including private internal radio services that were:

1. Used by State and local government;
2. Used by non-governmental entities to protect safety of life, health or property, and not made commercially available to the public.

The Balanced Budget Act of 1997 was accompanied by report language that provides a clear descriptive summary of public safety radio services that meet the private internal radio services definition included in the Act:

"The exemption from competitive bidding authority for 'public safety radio services' includes 'private internal radio services' used by utilities, railroads, metropolitan transit systems, pipelines, private ambulances, and volunteer fire departments. Though private in nature, the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public."

Access to the exemption from competitive bidding authority for public safety radio service and associated spectrum allocations, is a function of the service provided "protection of safety of life, health, or property."

**Definition of Private Internal Radio Services**

Access to the exemption from competitive bidding authority for private internal radio services should be held against the same yardstick as described above with the additional requirement that

the radio service does not involve the commercial sale of the radio service itself. When applying this test of eligibility and the applicant will serve a group of users, all users must meet the eligibility tests of (1) used to protect safety of life, health or property and (2) radio service is not sold commercially.

### **Establishing a Public Safety Radio Service Pool**

The Calhoun Water System supports the formation of a public safety radio service pool to ensure that exempt spectrum is designated for the public safety needs identified in the Balanced Budget Act. Exemption from auction implies the formation of a core spectrum allocation to meet public safety radio service needs.

### **Critical Infrastructure Entity Need Spectrum**

Drinking water utilities, including the Calhoun Water System should be eligible for auction exempt spectrum identified by the FCC as it implements the Balanced Budget Act provisions. The Calhoun Water System and other drinking water utilities across the United States are finding it difficult to obtain suitable spectrum to meet critical system needs. Present monitoring of facilities will be increased by at least 100% in the next three years. The present frequencies will be overloaded in providing real time control and monitoring of the system operating parameters.

UTC has estimated that at least 6 MHz of spectrum (with the majority of that allocation being above 900 MHz is needed to meet power, pipeline, railroad, and water utility spectrum needs for the near future. While the public safety radio services pool will not meet this total need, as eligible entities the proposed pool would help address a portion of the spectrum needs identified by UTC for the critical infrastructure entities.

### **Spectrum Utility**

The spectrum provided in the public safety pool should have utility for the eligible entities, like The Calhoun Water System. For the public safety pool to assist the Calhoun Water System and others with similar interoperability and private internal communication applications the pool should be developed from:

1. 928-952-956 Mhz MAS band, where current licensee is a member of the original Power Services Pool;
2. 2 932-941 Mhz MAS band, a minimum of 20 channel pairs;
3. 6, 11, and 18 Ghz microwave bands, which are currently in use for private internal radio service;
4. 700 Mhz band for interoperability with emergency responders.

These bands are identified based on several general principles:

1. Appropriateness for radio applications typical of critical national infrastructure entities which are eligible for this pool;
2. Current installed equipment base and availability of equipment suitable for critical national infrastructure entity applications of this spectrum; and
3. Historical use of this spectrum by critical national infrastructure entities.